

Message

From: LEE, LILY [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D6085A744F9347E6836C54C0E85B97B2-LLEE06]
Sent: 7/18/2017 8:19:50 PM
To: Bacey, Juanita@DTSC [Juanita.Bacey@dtsc.ca.gov]; sheetal.singh@cdph.ca.gov; tracy.jue@cdph.ca.gov; Kintz, Roger@DTSC [Roger.Kintz@dtsc.ca.gov]
Subject: Greenaction petition - main text w/highlights + link to Exhibits + excerpts re buildings
Attachments: Petition to Revoke the NRC License of Tetra Tech EC Inc highlighted.pdf

In case this is helpful to you, I have been reading the petition that Greenaction filed. It is available at www.greenaction.org. Attached is a version in which I highlighted sections that I thought were most relevant to share with our technical team. I recommend you focus on pp. 11-32. In addition, the main text makes reference to many exhibits. My attorney asked the Greenaction attorney for the exhibits. He put them into the dropbox below for our convenience. I saw a lot of discussion about the buildings in the exhibit with the affidavit from Anthony Smith.

If you have further questions about the petition, you can contact Steve Castleman:

From: Steven Castleman [<mailto:scastleman@ggu.edu>]
Sent: Friday, June 30, 2017 11:21 AM
To: Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>
Subject: Tetra Tech Exhibits

Brianna,

Here's the link to the Tetra Tech Petition's Exhibits: https://www.dropbox.com/sh/1gfn7ja0fc3c5l6/AAD7-9qzmbhhUTkGvpN4p_Xua?dl=0.

Let me know if you need any further information.

steve

Steve Castleman

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Excerpts below from pages 5 & 6 of the hard copy:

“Attached as Exhibit L is a map of HPNS. The shaded area of the Shipyard is the area in which the Federal Government accepted exclusive jurisdiction and the NRC has jurisdiction to the exclusion of the State of California. California is an “agreement state” with the NRC. As such, the State of California has joint

jurisdiction with the NRC in oversight of conduct of NRC-licensed entities in areas where there is no exclusive federal jurisdiction. As the United States did not obtain exclusive jurisdiction over the southern portion of HPNS, the State of California maintains jurisdiction in that area.

Tetra Tech's radiological fraud took place in both the exclusive Federal jurisdiction zone and the area under jurisdiction of the State of California."

Excerpts from building details, pages 19-22 of hard copy:

"3. Fraudulent Building Surveys

The contract between the Navy and Tetra Tech required the company to perform static scans and smears of buildings to determine if they were contaminated with radioactivity beyond free release levels. When a building was found to have elevated levels of radioactivity, Tetra Tech was contracted to engage in remediation to remove the radioactive contamination and bring contaminant levels below release levels. After remediation, Tetra Tech was required to again scan and take smears of the building to determine if all radioactive readings were within acceptable levels. Tetra Tech ordered the post-remediation building scans be done fraudulently so as to obtain free release. Tetra Tech supervisors divided building areas into three classes, Class 1, 2 and 3.⁶⁰ They classified the floors and lowest two meters (or approximately 6 feet) of the walls to be Class 1. The proper way to conduct a Class 1 survey was to slowly scan the "probable sites" of contamination, such as drains down which radioactive liquids might have been poured, and to scan each surface (i.e., the floor and lower walls) using a Ludlum 2350 scanner (which measures gamma radiation) in a systematic grid. In addition, smear samples were to be taken from area surfaces which the scans identified as highest in radioactivity.

For Class 2, HPs were supposed to take static scan and smear samples in a systematic grid from the higher sections of the walls, above 2 meters. Class 3 areas were considered the ceiling and roof. Scans and smears were to be taken of these areas, but without requiring the strict grid patterns of a Class 1 or 2.

Proper building survey procedure was not followed.

Anthony Smith was assigned to perform a large number of building surveys. Sometime between the summer of 2010 and early 2011, he was assigned to do building surveys in Building 707, buildings and building footprints throughout the 500 series and Buildings 351, 351A, 411, 401, 414, 406, 144, 146, 130, 103, 113, and 521. Smith's Tetra Tech HP supervisor, Steve Rolfe, told his survey team, consisting of Jeff Rolfe, Rick Zahensky and Smith, not to worry about doing Class 2 or 3 scans and smears at all. Rather, they were instructed to "just get some numbers and get it done," or "just set your meter down on the ground and let it count," meaning they should allow the scanner to operate in order to obtain data, but that the scanner should be stationary rather than doing a systematic survey of the area as required. Smith and his co-workers followed instructions, did not do proper Class 2 and 3 scans, and reported fraudulent data for the Class 2 and Class 3 scans for nearly all buildings at Hunters Point.⁶¹

When Smith challenged this practice, Tetra Tech HP supervisor Steve Rolfe told him, "That's what Bill Dougherty [Tetra Tech's Project Manager] wants." The false scanning was also done on other buildings by HP Supervisor Justin Hubbard's team, including Buildings 103, 114, 145, 130, 439, 366, and 813.

4. Fraudulent Data Reporting

The contract between the Navy and Tetra Tech required the company to do scans for radioactive contaminants of buildings, developed areas, and areas of open soil.

Tetra Tech directed that scan data be altered that were too high, which would result in having

to do additional expensive remediation, or too low, which would raise questions about the scan integrity and potentially require that the scanning be entirely redone.

Anthony Smith personally witnessed HP Tina Rolfe changing scan results so that they would fall within acceptable limits, that is, not too high but not too low to raise suspicions. One time when Smith was downloading data from his equipment onto a computer, he came up behind Tina Rolfe and saw her working on a computer changing readouts from a Ludlum 2350. Smith estimates that the HPs downloaded thousands of scan results per day. He states that changing these scan numbers was a very simple thing to do. He also saw her changing numbers on readings from a Ludlum 2360 (which collects surveillance data for alpha and beta radiation). The fact that Tetra Tech was “changing the numbers” was common knowledge among the HPs. Both HPs Ray Roberson and Joe Cunningham told Smith they were aware that scan results were being altered.⁶²

Smith observed that Tina Rolfe was directed to change the numbers by her husband, Steve Rolfe, a Tetra Tech HP supervisor. Several times he heard Steve Rolfe say of one sample or another, “that number’s too high, it’s way above background,” and he directed that it be altered to be lower to be closer to the background levels.⁶³ Tetra Tech HP supervisor Justin Hubbard was also aware of the alterations. Smith complained about the scan results being changed, and Hubbard told him that Tetra Tech was doing it everywhere else on the Shipyard.⁶⁴

Smith reports that Senior HP Rick Zahensky told him he also changed scan result numbers for an extended period, involving many months, if not years. On numerous occasions Zahensky took a computer home in order to change scan results overnight. Zahensky told Smith that at times he worked until the early hours of the morning to “get the numbers right.” Smith was present on several occasions when Zahensky did not “get the numbers right,” and was “chewed out” by Steve Rolfe. Smith also witnessed Tina Rolfe being “chewed out” by her husband Steve, when numbers remained too high or too low.⁶⁵

Tetra Tech also violated proper protocol by holding up the delivery of the scan results to the project management office. Proper procedure was that the scan results were to be submitted to the office by the end of each day on thumb drives. However, rather than submit scan results by day’s end, the scan results were held up so that employees like Zahensky could manipulate results that were deemed too high or too low. When Zahensky was given the scan results to take home in the evening, the thumb drive was not submitted until the following day at the earliest. The office had no objection to the tardy delivery of the scan results, since their fraudulent manipulation was done at the direction and insistence of Tetra Tech’s upper-level onsite project management.⁶⁶

Bert Bowers, the former RSOR, states that a lab technician, Neil Berrett, and a lab supervisor, Phil Smith, came to him on separate occasions complaining they were being asked by upper level project management to “write away” laboratory analysis results, that is, change the results of sample analyses and scans. Bowers directed the employees to go back to the project management, talk with them, and come back to Bowers if they were not satisfied. At that time, Bowers had not been aware project management had been ordering the falsification of samples and scan results.⁶⁷